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8                   UNITED STATES DISTRICT COURT  
9                   WESTERN DISTRICT OF WASHINGTON  
10                  AT TACOMA

11                  ALBERT JAMAAL YOUNGBLOOD,

12                  Petitioner,

13                  v.

14                  DONALD R HOLBROOK,

15                  Respondent.

16                  CASE NO. 3:14-CV-05919-RBL-JRC

17                  ORDER ON MOTION TO LIFT THE  
18                  STAY AND ORDER FOR SERVICE  
19                  AND ANSWER, § 2254 PETITION

20                  The District Court has referred this petition for a writ of habeas corpus to United States

21                  Magistrate Judge J. Richard Creatura. The Court's authority for the referral is 28 U.S.C. §

22                  636(b)(1)(A) and (B), and local Magistrate Judge Rules MJR3 and MJR4.

23                  Petitioner is represented by counsel. The action was stayed on January 21, 2015. Dkt. 4.

24                  Petitioner has informed the Court that he has exhausted his state claims and has moved to lift the

stay Dkt. 8. The motion is granted.

25                  (1)       The Clerk shall arrange for service by certified mail upon respondent and upon  
26                  the Attorney General of the State of Washington, of copies of the petition, of all documents in  
27                  support thereof, and of this Order.

28                  ORDER ON MOTION TO LIFT THE STAY AND  
29                  ORDER FOR SERVICE AND ANSWER, § 2254  
30                  PETITION - 1

1                   (2) Within *forty-five (45) days* after such service, respondent(s) shall file and serve an

2 answer in accordance with Rule 5 of the Rules Governing Section 2254 Cases in United States

3 District Courts. As part of such answer, respondent(s) shall state whether petitioner has

4 exhausted available state remedies and whether an evidentiary hearing is necessary.

5 Respondent(s) shall not file a dispositive motion in place of an answer without first showing

6 cause as to why an answer is inadequate. Respondent(s) shall file the answer with the Clerk of

7 the Court and serve a copy of the answer on petitioner.

8                   (3) The answer will be treated in accordance with LCR 7. Accordingly, on the face

9 of the answer, respondent(s) shall note it for consideration on the fourth Friday after filing.

10 Petitioner may file and serve a response not later than the Monday immediately preceding the

11 Friday designated for consideration of the matter, and respondent(s) may file and serve a reply

12 not later than the Friday designated for consideration of the matter.

13                   (4) Filing by Parties, Generally

14 All attorneys admitted to practice before this Court are required to file documents

15 electronically via the Court's CM/ECF system. All filings, whether filed electronically or in

16 traditional paper format, must indicate in the upper right hand corner the name of the magistrate

17 judge to whom the document is directed.

18 For any party filing electronically, when the total of all pages of a filing exceeds fifty

19 (50) pages in length, a paper copy of the document (with tabs or other organizing aids as

20 necessary) shall be delivered to the Clerk's Office for chambers. The chambers copy must be

21 clearly marked with the words "Courtesy Copy of Electronic Filing for Chambers."

22 Any document filed with the Court must be accompanied by proof that it has been served

23 upon all parties that have entered a notice of appearance in the underlying matter.

## (5) Motions

Any request for court action shall be set forth in a motion, properly filed and served.

3 Pursuant to LCR 7(b), any argument being offered in support of a motion shall be submitted as a  
4 part of the motion itself and not in a separate document. The motion shall include in its caption  
5 (immediately below the title of the motion) a designation of the date the motion is to be noted for  
6 consideration on the Court's motion calendar.

(6) Direct Communications with District Judge or Magistrate Judge

No direct communication is to take place with the District Judge or Magistrate Judge with regard to this case. All relevant information and papers are to be directed to the Clerk.

Dated this 25<sup>th</sup> day of August, 2015.

J. K. Ward (matina)

J. Richard Creatura  
United States Magistrate Judge